

North Miami City Council
776 N.E. 125th Street, 2nd Floor, Council Chambers
North Miami, FL 33161

**SUMMARY MINUTES
REGULAR COUNCIL MEETING
TUESDAY, DECEMBER 10, 2013**

A regular meeting of the North Miami City Council was held in the Council Chambers of City Hall on, TUESDAY, DECEMBER 10, 2013, beginning at 7:09 p.m.

Note: The actual agenda and all backup materials for each City Council meeting can be found on the website at: www.northmiamifl.gov

PLEDGE OF ALLEGIANCE

(Francheska Periche, Florida International University-Biscayne Bay Campus)

INVOCATION

(Pastor Thelma Knowles, Lively Stones for Jesus)

CALL TO ORDER / ROLL CALL OF MEMBERS

Mayor Tondreau	Here
Vice Mayor Galvin	Here
Councilwoman Keys	Here
Councilwoman Steril	Here
Councilman Bien-Aime	Here

ORDER OF BUSINESS (Additions/Deletions/Amendments/Deferrals)

The City Manager respectfully requested that Honorable Mayor Lucie Tondreau and City Council members approved the addition of the items below to the agenda for **Regular Meeting Tuesday, December 10, 2013**, UNDER SECTIONS: 10.A. RESOLUTIONS; 10.B.1. ORDINANCES; and 10.C. QUASI-JUDICIAL ITEM(s)

ADDITION(s) TO DECEMBER 10, 2013 COUNCIL AGENDA:

RESOLUTIONS:

[TAB I-1]

[TAB I-2]

[TAB I-3]

ORDINANCES – SECOND READING AND PUBLIC HEARING
[TAB J-1]

QUASI-JUDICIAL ITEM(s)
[TAB L-1]

Also the City Manager requested that [TAB N] to be moved up and [TAB F] and [TAB I] to be removed from the agenda.

SPECIAL PRESENTATION(s)

- ◆ Certificate of Recognition in honor of World Aids Awareness Month

CITY EVENTS – ANNOUNCEMENT

Ms. Natasha Colebrook announced upcoming events for the City of North Miami and advised all city events can be found on the website at: www.northmiamifl.gov/celebrate

CITY PROJECTS 2013 UPDATE

The Public Works Assistant Director Mr. Fiddler and the City Manager Mr. Johnson gave an update on three City projects, which were the PAL Project, North Bay Shore Project, and the North Miami Gymnasium at the High School.

CITIZENS' FORUM

At the opening of the Citizen Forum Former Mayor Frank requested that Council would allow him to speak on item [TAB O] on the Agenda.

CONSENT AGENDA

Councilwoman Keys made a motion requested that council voted on [TAB C] separately. That motion was seconded by councilman Galvin, but there was no vote on that motion. Therefore, this **motion** failed. Then, councilwoman Steril made a motion to approve the consent agenda. This motion was seconded by Mayor Tondreau, and the consent agenda was approved by a 4-1 vote. Councilwoman Keys voted no.

“... THE CONSENT AGENDA COMPRISED OF TABS A THROUGH D WAS ADOPTED...”

[TAB A] APPROVED

APPROVAL OF MINUTES – Regular Council Meeting – November 26, 2013

[TAB B] APPROVED

PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA AUTHORIZING THE CITY MANAGER, CITY ATTORNEY AND CITY CLERK TO TAKE ALL NECESSARY ACTION AND TO EXECUTE ALL DOCUMENTS AFFECTING THE HEALTH, SAFETY AND WELFARE OF THE CITY DURING THE CITY COUNCIL'S RECESS COMMENCING DECEMBER 11, 2013 THROUGH JANUARY 13, 2014; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

[TAB C] APPROVED

PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE FISCAL YEAR 2013-2014 COMMUNITY REDEVELOPMENT AGENCY (CRA) BUDGET; AUTHORIZING THE CRA EXECUTIVE DIRECTOR TO TRANSMIT THE FISCAL YEAR 2013-2014 BUDGET TO MIAMI-DADE COUNTY; AND FURTHER AUTHORIZING THE CRA EXECUTIVE DIRECTOR TO TAKE ALL ACTIONS NECESSARY TO COMPLETE THE APPROVAL PROCESS FOR THE FISCAL YEAR 2013-2014 BUDGET WITH THE CITY OF NORTH MIAMI AND MIAMI-DADE COUNTY; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

[TAB D] APPROVED

PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY MANAGER TO ISSUE A PURCHASE ORDER WITH FUNDS FROM THE CITY WATER AND SEWER ACCOUNT FOR THE PURCHASE OF TWO (2) 2014 FORD F-350 SD (F3C) PICKUP TRUCKS TO BE PLACED IN SERVICE BY THE PUBLIC WORKS DEPARTMENT, AT A COST NOT TO EXCEED SIXTY- FOUR THOUSAND NINE HUNDRED FORTY-FOUR DOLLARS AND FORTY CENTS (\$64,944.40) FROM ALAN JAY FORD LINCOLN, TO PIGGYBACK A COMPETITIVE BID AWARD BY THE FLORIDA SHERIFFS ASSOCIATION & FLORIDA ASSOCIATION OF COUNTIES, UNDER THE POLICE RATED VEHICLES/MOTORCYCLES, SEDANS & LIGHT TRUCKS BID NUMBER 13-21-0904; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

[TAB E] APPROVED

PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE AWARD OF FISCAL YEAR 2013-2014 COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) FUNDS TO NOT-FOR-PROFIT COMMUNITY BASED ORGANIZATIONS (CBOS); PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

First Vote: Councilwoman Keys made a motion to approve [TAB E] Councilman Galvin seconded, and the motion was approved by a 5-0 vote.

Second Vote: Mayor Tondreau made a motion to bring [TAB E] back to the floor for discussion. Councilman Bien-Aime seconded the motion, and it was adopted by a 5-0 vote. Then with

Mayor Tondreau motion seconded by Council Bien-Aime another vote has been taken to amend the adopted resolution in order to reallocate funds to (CBOs). The second motion was adopted by 3-2 vote. Council members Galvin and Keys voted NO.

[TAB F] POSTPONED

PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, APPROVING THE SELECTION OF LIMOUSINES OF SOUTH FLORIDA, INC., FOR THE OPERATION AND MAINTENANCE OF CITYWIDE PUBLIC TRANSPORTATION SERVICES, IN ACCORDANCE WITH THE TERMS, CONDITIONS AND SPECIFICATIONS OF THE REQUEST FOR PROPOSALS NO. 48-12-13 COMMUNITY TRANSPORTATION SERVICES, AT A COST NOT TO EXCEED SIX HUNDRED FIFTY THOUSAND DOLLARS (\$650,000.00) PER YEAR; FURTHER AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO NEGOTIATE AND EXECUTE A NON-EXCLUSIVE AGREEMENT FOR THE PROVISION OF THE STATED SERVICES, FOR A TERM OF THREE (3) YEARS WITH TWO (2) OPTIONS TO RENEW THE AGREEMENT, EACH FOR A ONE (1) YEAR PERIOD; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

[TAB G] APPROVED

PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ELECTING TO USE THE UNIFORM METHOD OF COLLECTING NON-AD VALOREM SPECIAL ASSESSMENTS LEVIED WITHIN THE INCORPORATED AREA OF THE CITY OF NORTH MIAMI FOR THE COST OF PROVIDING RESIDENTIAL SOLID WASTE COLLECTION AND DISPOSAL SERVICES, AND RESIDENTIAL AND COMMERCIAL STORMWATER SERVICES AND FACILITIES; STATING THE NEED FOR SUCH LEVY; DIRECTING THE TRANSMITTAL OF THIS RESOLUTION; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

Councilman Galvin made a motion to approve [TAB G] Mayor Tondreau seconded, and the motion was approved by a 5-0 vote.

[TAB H] APPROVED

PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, EXTENDING THE HOURS FOR THE SALE OF ALCOHOLIC BEVERAGES FOR NEW YEAR'S EVE; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

Councilman Galvin made a motion to approve [TAB H], Mayor Tondreau seconded, and the motion was passed with a 5-0 vote.

[TAB I] POSTPONED

PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, SUPPORTING THE FLORIDA DEPARTMENT OF TRANSPORTATION RECOMMENDED TRAFFIC RE-ROUTING AND ROADWAY

IMPROVEMENT PROJECT ALONG PORTIONS OF WEST DIXIE HIGHWAY, NORTHEAST 6TH AVENUE, AND NORTHEAST 125TH STREET; FURTHER AUTHORIZING THE CITY MANAGER AND CITY ATTORNEY TO EXECUTE THE OFF-SYSTEM CONSTRUCTION AND MAINTENANCE AGREEMENT, IN SUBSTANTIALLY THE ATTACHED FORM, BETWEEN THE CITY OF NORTH MIAMI AND THE STATE OF FLORIDA DEPARTMENT OF TRANSPORTATION, TO DELINEATE THE RESPONSIBILITY FOR THE CONSTRUCTION AND MAINTENANCE OF PROJECT ROADWAY IMPROVEMENTS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

TAB I was removed from the agenda.

[TAB I-1] TABLED

PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY ADMINISTRATION TO EXCEED THE MAXIMUM AWARD AMOUNT PER ELIGIBLE PROPERTY UNDER THE NORTHWEST 7TH AVENUE COMMERCIAL FAÇADE PROGRAM GUIDELINES FROM EIGHTY THOUSAND DOLLARS (\$80,000.00) TO ONE HUNDRED FIVE THOUSAND DOLLARS (\$105,000.00), IN ORDER TO PROVIDE ADDITIONAL ASSISTANCE FOR ONE (1) COMMERCIAL FAÇADE REHABILITATION PROJECT, FOR THE PROPERTY LOCATED AT 13090 NORTHWEST 7TH AVENUE; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

Councilwoman Steril made a motion to continue [TAB I-1] to the next council meeting. Councilman Keys seconded, and the motion was adopted by a 5-0 vote.

[TAB I-2] TABLED

PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AUTHORIZING THE CITY ADMINISTRATION TO EXCEED THE MAXIMUM AWARD AMOUNT PER ELIGIBLE PROPERTY UNDER THE NORTHWEST 7TH AVENUE COMMERCIAL FAÇADE PROGRAM GUIDELINES FROM EIGHTY THOUSAND DOLLARS (\$80,000.00) TO TWO HUNDRED TWENTYFIVE THOUSAND DOLLARS (\$225,000.00), IN ORDER TO PROVIDE ADDITIONAL ASSISTANCE FOR ONE (1) COMMERCIAL FAÇADE REHABILITATION PROJECT, FOR THE PROPERTY LOCATED AT 12955 NORTHWEST 7TH AVENUE; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

Councilman Galvin made a motion to continue [TAB I-2] to the next council meeting. Councilman Steril seconded, and the motion was adopted by a 5-0 vote.

[TAB I-3] APPROVED

PROPOSED RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, DENOUNCING THE DOMINICAN REPUBLIC'S CONSTITUTIONAL COURT'S RULING THAT CHILDREN OF FOREIGN---BORN PARENTS ARE NOT CITIZENS OF THE DOMINICAN REPUBLIC; CALLING UPON THE GOVERNMENT OF THE DOMINICAN REPUBLIC TO GUARANTEE THE HUMAN RIGHTS OF INDIVIDUALS OF HAITIAN DESCENT; URGING FOR THE

NON---IMPLEMENTATION OF THE CONSTITUTIONAL COURT’S RULING AND SEEKING THE SUPPORT OF LOCAL GOVERNMENTS TO JOIN IN THE EFFORTS CONDEMNING THE DOMINICAN REPUBLIC’S UNJUST ACTIONS; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES

Councilwoman Steril made a motion to approve [TAB I-3] Councilman Galvin seconded, and the motion passed by a 5-0 vote.

QUASI-JUDICIAL ITEM(s)

(ITEM POSTPONED TO THE JANUARY 28, 2014 COUNCIL MEETING AT THE REQUEST OF FDOT)

LEGISLATIVE MATTERS

ORDINANCES – SECOND READING AND PUBLIC HEARING

[TAB J] PASSED

PROPOSED ORDINANCE (*SECOND READING*) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, CREATING A NEW CHAPTER 21 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES ENTITLED “CODE COMPLIANCE” TO UPDATE, ORGANIZE, AND CLARIFY THE FUNCTION OF THE CODE COMPLIANCE PROCESS FOR THE CITY OF NORTH MIAMI SUBSEQUENT TO THE RECENT AMENDMENT OF CHAPTER 2 ENTITLED “ADMINISTRATION”, RECENTLY APPROVED BY THE MAYOR AND CITY COUNCIL; PROVIDING FOR CONFLICTS, REPEAL, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Councilman Galvin made a motion to approve [TAB J] Councilwoman Steril seconded, and the motion passed by a 5-0 vote.

ORDINANCES – SECOND READING AND PUBLIC HEARING

[TAB J-1] APPROVED

PROPOSED ORDINANCE (SECOND READING) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING THE CITY OF NORTH MIAMI’S COMPREHENSIVE PLAN PURSUANT TO CHAPTER 163, FLORIDA STATUTES, BY UPDATING THE FUTURE LAND USE MAP IN ORDER TO ASSIGN APPROPRIATE LAND USE CATEGORIES TO NEWLY ANNEXED PROPERTIES IN AN AREA BORDERED ON THE WEST-SIDE BY THE BISCAYNE CANAL, ON THE EAST-SIDE BY NORTHEAST 4TH AVENUE, ON THE SOUTH-SIDE BY NORTHEAST 131ST STREET, AND ON THE NORTH-SIDE BY NORTHEAST 135TH STREET (OTHERWISE KNOWN AS “AREA 3”); FURTHER AUTHORIZING THE TRANSMITTAL OF THE COMPREHENSIVE PLAN AMENDMENT TO THE FLORIDA DEPARTMENT OF ECONOMIC OPPORTUNITY AND ALL OTHER REVIEW AGENCIES AS REQUIRED

UNDER SECTION 163.3184, FLORIDA STATUTES; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION, AND AN EFFECTIVE DATE.

Councilman Galvin made a motion to approve [TAB J-1] Councilman Bien-Aime seconded, and the motion passed by a 5-0 vote.

ORDINANCES – FIRST READING

[TAB K] APPROVED

PROPOSED ORDINANCE (*FIRST READING*) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, ADOPTING A SMALL SCALE LAND USE PLAN AMENDMENT TO THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN FUTURE LAND USE MAP, FOR THE LOTS LOCATED AT 1401 NORTHEAST 123RD STREET, OTHERWISE DESCRIBED AS A PORTION OF LOTS 9, 10 AND 11 OF BETHEA SUBDIVISION, FROM HIGH DENSITY RESIDENTIAL TO INDUSTRIAL LAND USE DESIGNATION, IN ORDER TO ALLOW FOR THE FUTURE EXPANSION OF AN EXISTING BUSINESS, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; AND FURTHER AUTHORIZING THE CITY MANAGER TO DO ALL THINGS NECESSARY TO EFFECTUATE THE SUBJECT SMALL SCALE LAND USE PLAN AMENDMENT, AS REQUIRED BY FLORIDA LAW; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

Councilman Bien-Aime made a motion to approve [TAB K] Councilman Galvin seconded, and the motion passed by a 3-2 vote. Councilmembers Keys and Galvin voted no.

QUASI-JUDICIAL ITEM(s)

[TAB L] FAILED

PROPOSED ORDINANCE (*FIRST READING*) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED “LAND DEVELOPMENT REGULATIONS,” BY AMENDING THE CITY OF NORTH MIAMI OFFICIAL ZONING MAP REFERENCED IN ARTICLE 1, SECTION 1-106, TO REFLECT THE REZONING OF THE LOTS LOCATED AT 1401 NORTHEAST 123RD STREET, OTHERWISE DESCRIBED AS A PORTION OF LOTS 9, 10 AND 11 OF BETHEA SUBDIVISION, FROM THE CURRENT R-6 (RESIDENTIAL) ZONING DESIGNATION TO ALLOW FOR THE FUTURE EXPANSION OF AN EXISTING BUSINESS, CONSISTENT WITH THE INTENT OF THE CITY OF NORTH MIAMI COMPREHENSIVE PLAN; PROVIDING FOR CONFLICTS, SEVERABILITY, CODIFICATION AND FOR AN EFFECTIVE DATE.

Councilman Bien-Aime made a motion to approve [TAB L]. Mayor Tondreau seconded, and the motion was carried by a 3-2 vote. Councilmembers Keys and Galvin voted NO. Despite a 3 for and 2 against, [TAB L] failed because this item required a super majority to pass because it has to see with change in the zoning map.

[TAB L-1] APPROVED

PROPOSED ORDINANCE (*SECOND READING*) OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA, AMENDING CHAPTER 29 OF THE CITY OF NORTH MIAMI CODE OF ORDINANCES, ENTITLED "LAND DEVELOPMENT REGULATIONS," BY AMENDING THE CITY'S OFFICIAL ZONING MAP, REFERENCED IN ARTICLE 1, SECTION 1-106, TO REFLECT THE REZONING OF THE NEWLY ANNEXED PROPERTIES BORDERED ON THE WEST-SIDE BY THE BISCAYNE CANAL, ON THE EAST-SIDE BY NORTHEAST 4TH AVENUE, ON THE SOUTH-SIDE BY NORTHEAST 131ST STREET, AND ON THE NORTH-SIDE BY NORTHEAST 135TH STREET (OTHERWISE KNOWN AS "AREA 3"), IN ORDER TO

Councilman Bien-Aime made a motion to approve [TAB L1] Mayor Tondreau seconded, and the motion passed by a 5-0 vote.

REQUESTS – PETITIONS – COMMUNICATIONS

[TAB M]

DISCUSSION REGARDING COUNCILMAN GALVIN'S OPEN CONSTITUENT INQUIRIES LIST

There was no motion made to adopt this item; however, instructions were given to staff to address Council Galvin's constituents' issues.

[TAB N] APPROVED

DISCUSSION AND APPROVAL FOR STAFF TO MEET WITH THE OAKS REGARDING THEIR NAME CHANGE, THEREBY AMENDING THE EXISTING LEASE TO REFLECT NAME CHANGE

Councilman Galvin made a motion to approve [TAB N], the OAKS name change, Councilwoman Keys seconded, and the motion passed by a 5-0 vote.

[TAB O] TABLED

DISCUSSION AND UPDATE REGARDING BISCAYNE LANDING SOIL REMOVAL

Recess at 8:36 to 8:48.

Motion made by councilman Bien-Aime to table [TAB O] to the next council meeting. Mayor Tondreau seconded the motion, and the item passed 4-1. Council Galvin voted NO.

COUNCIL REPORTS

Councilwoman Carol Keys, Esq.

Councilwoman Keys wished everyone Merry Christmas and Happy New Year; then announced she will hold a code compliance workshop around January 15, 2014 to receive inputs from residents on what they want to see in the City Code of compliance. Also, Councilwoman Keys announced she will hold a separate workshop on reoccupancy certificate for residents who have issues and/or interest in that matter.

Vice-Mayor Scott Galvin

Councilman Galvin wished Merry Christmas and Happy New Year to everyone, and reminded everyone who was leaving the building, that it was still time to grab an angel from angel three in the lobby, and return it with an unwrapped gift by Thursday. He believed this was a great way to make sure the kids in our community are not forgotten for the holiday.

Councilman Philippe Bien-Aime

Councilman Bien-Aime wished everyone Merry Christmas and Happy New Year.

Councilwoman Marie Erlande Steril

Councilwoman Steril wished everyone Merry Christmas then brought the toys drive back to the floor, and asked the City Attorney to advise her on how to continue with the toys drive because staff continued working it.

Mayor Lucie M. Tondreau

Then, Mayor Tondreau wished everyone Merry Christmas and Happy New Year and then, thanked staff for the wonderful Thanksgiving parade and lighting of the trees. Mayor Tondreau also thanked the Jewish community for lighting the unity candle to commemorate the Hanukkah. In addition, Mayor Lucie Tondreau recognized the Biscayne Times for a very professional report card. The Mayor then briefly detailed her trips to Fort Myers, West Palm Beach, Sarasota, and her plan to visit Delray in her collection of ideas to build the new North Miami Downtown.

CITY CLERK'S REPORT

The City Clerk, Mr. Etienne, Wished Merry Christmas and Happy New Year to everyone and publically recognized the City Manager Mr. Johnson; The Council members and Mayor; Finance, and IT department for their contribution in helping the clerk office to move forward.

CITY ATTORNEY'S REPORT

The City Attorney, Madame Regine Monestime, advised Mayor and Council on an appeal filed with the Environmental Quality Control Board regarding the order mandating the removal of contested material on Biscayne Lending site.

CITY MANAGER'S REPORT

The City Manager, Mr. Jonhson, wished Merry Christmas and Happy New Year to everyone and announced the departure of Ms. Ruby, the Purchasing Director. She accepted another job in Broward County.

ADJOURNMENT:

Meeting was adjourned at 10:55